

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:09cv488**

**EVANGELINA SMITH,**

**Plaintiff,**

**Vs.**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security,**

**Defendant.**

---

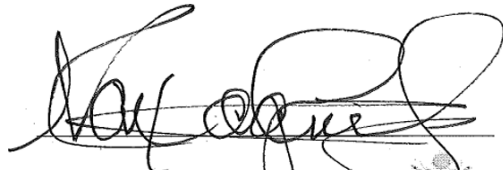
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**JUDGMENT**

**THIS MATTER** having come before the court on the plaintiff's Motion for Judgment on the Pleadings (#11), the Commissioner's Motion for Summary Judgment (#12), and the Memorandum and Recommendation of Honorable David S. Cayer, United States Magistrate Judge (#14), and the court having considered plaintiff's Objections (#16) and the Commissioner's Response (#17), as more thoroughly discussed in the Memorandum of Decision and Order filed simultaneously herewith,

**IT IS, THEREFORE, ORDERED, ADJUDGE AND DECREED** that the Commissioner's Motion for Summary Judgment (#12) is **GRANTED**, plaintiff's Motion for Judgment on the Pleadings (#11) is **DENIED**, the Commissioner's decision is **AFFIRMED**, and plaintiff's claim is hereby **DISMISSED**.

Signed: March 31, 2011



Max O. Cogburn Jr.  
United States District Judge